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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,427

10/28/2003

Noriyoshi Takeya

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06/19/2006

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EXAMINER

ALUNKAL, THOMAS D

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,427

Applicant(s)

TAKEYA, NORIYOSHI

Examiner

Thomas D. Alunkal

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 rejected under 35 U.S.C. 102(b) as being anticipated by Togashi et al. (**U.S. 6,225,638**).

Regarding **Claims 1 and 3**, Togashi et al. teaches:

A method of discriminating types of plural discs with different track pitches and/or different reflection factors and/or different cover layer thicknesses, the disks being seated on an information recording and reproducing system that records and reproduces information using different wavelengths, comprising the steps of (**see Column 2, lines 45-60**):

- (a) irradiating laser light with a specific wavelength onto an optical disk (**see Figure 1, Element 3**)
- (b) detecting light, which can be obtained by irradiating the laser light onto the optical disk, using a first detecting element suitable for light with the specific wavelength and/or for specific track pitch (**see Column 2, lines 63-67 and Column 3, lines 8-20**)
- (c) detecting light, which can be obtained by irradiating the laser light onto the optical disk, using a second detecting element suitable for light

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with another wavelength and/or for another-track pitch (**see Column 2, lines 63-67 and Column 3, lines 8-20**)

- (d) discriminating a type of optical disk on the basis of detection results obtained at the steps b) and c) (**see Column 3, lines 21-26**)

An apparatus for discriminating types of disks seated on an information recording and reproducing system that records and reproduces information using different plural wavelengths, comprising (**see Column 2, lines 45-60**):

- at least two detecting elements having different detection sensitivities and/or different track pitches (**see Column 3, lines 8-20**)
- a discriminating unit for discriminating the types of optical disks on the basis of detection results which can be obtained by detecting light received from each of the optical disks through the detecting elements (**see Column 3, lines 15-26**)

Claims 2,4-5 rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al (U.S. 5,831,952).

Regarding **Claims 2,4-5**, Yamada et al. teaches:

A method of discriminating types of disks seated on an information recording and reproducing system using a S-curve indicated by a focus error signal generated during movement of an object lens by a lens drive system, comprising the steps of (**see**

Abstract):

- storing and maintaining a signal level of a S-curve generated by feedback light which is emitted from a light source installed for a first

optical disk and received by a light receiving element installed for a second optical disk (**see Column 10, lines 60-67 and Column 11, lines 1-10, 29-40**). Yamada et al. teaches feedback light values AS1Lp, AS2Lp, and focus error, ENVp, which are all signal levels generated by apparatus.

- utilizing the signal level for discrimination of the types of disks (**see Column 11, lines 41-45**)

An apparatus for discriminating types of disks seated on an information recording and reproducing system using a S-curve indicated by a focus error signal generated during movement of an object lens by a lens drive system, comprising (**see Abstract**):

- optical disk discriminating means for storing and maintaining a signal level of a S-curve generated by feedback light which is emitted from a light source installed for a first optical disk and received by a light receiving element installed for a second optical disk (**see Column 10, lines 60-67. Column 11, lines 1-10 and 29-40, and Figure 18, Element 447**)
- utilizing the signal level for discrimination of the types of disks (**see Column 11, lines 41-45**)
- the optical disk discriminating means comprises a comparing circuit for discriminating a type of seated optical disk by comparing a voltage level indicated by the S-curve of the focus error signal with a voltage level generated by the feedback light, and/or comparing the voltage level

generated by the feedback light with a reference value obtained when a suitable optical disk is seated (**see Column 11, lines 41-45**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571)272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Alunkal
Patent Examiner



Shanon Foley
Supervisory Patent Examiner